IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

Crl.Rev.Pet.No. 4128 of 2006()

CRA.204/2004 of ADDITIONAL DISTRICT & SESSIONS COURT (ADHOC)-II, KOLLAM
CC.1015/2000 of JUDL.MAGISTRATE OF FIRST CLASS-III, PUNALUR

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REVN. PETITIONER/APPELLANT/ACCUSED:

MUHAMMED HABEEBULLA
S/O.MYTHEENKUNJU
MARIYAM MANZIL
VALACODU, PUNALUR.

BY ADV. SRI.S.RAJEEV

RESPONDENTS/COMPLAINANT & STATE:

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1. SUJITH
S/O. MAJEED
SHIFAN COTTAGE (NEAR IMPERIAL TYRE WORKS, PUNALUR)
REP. BY HIS POWER OF ATTORNEY HOLDER SHRI. MANI DANIEL
S/O. DANIEL, ANIYIL BHAVAN
KAKKAD, VALACODU VILLAGE.

2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTORSR
HIGH COURT OF KERALA
ERNAKULAM.

BY ADV. SRI.K.K.DHEERENDRAKRISHNAN
BY GOVT. PLEADER SRI.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No.4128 of 2006

Dated this the 23rd day of November, 2006

ORDER

The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for 15 days and was directed to pay compensation of Rupees One Lakh under Section 357(3) of the Code of Criminal Procedure. On appeal by the accused, the appellate court confirmed the conviction and sentence, and dismissed the appeal. The complainant and the accused settled the dispute and Crl.M.A.No.11673 of 2006 was filed by them under Section 147 of the Negotiable Instruments Act. That application is allowed.

Accordingly, the Crl.R.P. Is allowed. The conviction and sentence of the petitioner are set aside and petitioner is acquitted under Section 320 of the Code of Criminal Procedure.

K.T.SANKARAN
JUDGE

csl

K.T.SANKARAN, J

Crl.M.A.No.10623 of 2006
in
Crl. R.P. No. 4128 of 2006

Dated this the 23rd day of November, 2006

ORDER

This is an application for condoning the delay of 227 days in filing the revision. The revision is filed against the conviction and sentence for an offence under Section 138 of Negotiable Instruments Act. The dispute is settled between the parties and an application for compounding is filed as Crl.M.A.No. 11673/2006. In this circumstances the delay is condoned.

Number the Crl.R.P.

K.T.SANKARAN,
JUDGE

csl

K.T.SANKARAN, J

Crl.M.A.No.11673 of 2006
in
Crl. R.P. No. 4128 of 2006

Dated this the 23rd day of November, 2006

ORDER

This is an application under Section 147 of the Negotiable Instruments Act seeking leave to compound the offence under Section 138 of the Negotiable Instruments Act. The application is signed by the petitioner/accused and the first respondent/ complainant and is supported by an affidavit sworn to by the revision petitioner/accused wherein it is stated that the disputes were settled between the parties. The application is allowed.

K.T.SANKARAN,
JUDGE

csl